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DRAFT REPORT OF THE COMMISSION

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CONTENTS*

Chapter		Paragraphs	Page
VII.	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development	1 - 69	
	(a) Popular participation in its various forms as an important factor in development and in the full realization of all human rights		

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* Documents E/CN.4/1994/L.10 and addenda contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, are contained in documents E/CN.4/1994/L.11 and addenda.

VII. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

1. The Commission considered item 7 of the provisional agenda concurrently with items 8, 17 and 18 (see chaps. VIII, XVII and XVIII) at its 12th to 19th meetings, from 8 to 11 February, at its 41st and 42nd meetings, on 25 February, at its 46th meeting, on 1 March, and at its 57th meeting, on 4 March 1994.

2. The Commission had before it the following documents:

Comprehensive report of the Secretary-General, prepared in pursuance of Commission on Human Rights resolution 1993/12 (E/CN.4/1994/17 and Add.1);

Note by the Secretary-General on human rights and extreme poverty (E/CN.4/1994/18);

Completed final report prepared by Mr. Luis Valencia Rodríguez, independent expert, on the right of everyone to own property alone as well as in association with others (E/CN.4/1994/19 and Add.1);

Analytical report compiled by the Secretary-General pursuant to Commission resolution 1993/77 on forced evictions (E/CN.4/1994/20);

Note by the Secretary-General (E/CN.4/1994/100);

Report of the Secretariat (A/CONF.157/PC/73);

Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/1994/NGO/16).

3. At its 12th meeting, on 8 February 1994, the independent expert on the right to property, Mr. Luis Valencia Rodríguez, introduced his final report (E/CN.4/1994/19 and Add.1) to the Commission.

4. In the general debate on item 7, statements were made by the following members of the Commission: Angola (16th), Australia (16th), Austria (17th), Brazil (on behalf of the Rio Group) (16th), Canada (13th), Chile (13th),

Colombia (13th), Costa Rica (16th), Cuba (13th), Ecuador (16th), Finland (17th), Kenya (15th), Libyan Arab Jamahiriya (14th), Malawi (16th), Malaysia (14th), Mauritania (15th), Mexico (16th), Netherlands (14th), Nigeria (17th), Poland (16th), Russian Federation (14th), Sri Lanka (16th), Sudan (13th), Ukraine (15th), United States of America (16th), Venezuela (15th).

5. Statements were also made by the observers for: Algeria (17th), Greece (on behalf of the European Union and its members) (17th), Holy See (17th), Honduras (17th), Iraq (18th), Nepal (18th), Philippines (17th).

6. The Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (13th), Centre Europe-Tiers Monde (14th), Commission for the Defence of Human Rights in Central America (19th), Habitat International Coalition (19th), International Association against Torture (19th), International Commission of Jurists (18th), International Confederation of Free Trade Unions (13th), International Fellowship of Reconciliation (13th), International Humanist and Ethical Union (13th), International Indian Treaty Council (19th), International Movement ATD Fourth World (15th), Movement against Racism and for Friendship among Peoples (14th), Women's International League for Peace and Freedom (18th), World Alliance of Reformed Churches (18th), World Confederation of Labour (15th), World Federation of Trade Unions (18th), World Organization against Torture (18th), World University Service (18th).

7. Statements in exercise of the right of reply or its equivalent were made by the representatives of India (19th), Nicaragua (19th) and the Philippines (19th).

8. At its 41st meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 7.

9. The representative of Cuba introduced draft resolution E/CN.4/1994/L.17, sponsored by: Angola, Costa Rica, Cuba, the Democratic People's Republic of Korea*, Guatemala*, Iran (Islamic Republic of), Jordan*, the Libyan Arab Jamahiriya, Madagascar*, Mexico, Nigeria, the Philippines*, Sri Lanka, the Sudan,

the Syrian Arab Republic and Venezuela. The sponsors were subsequently joined by Cameroon, Colombia, Côte d'Ivoire, Ethiopia*, Iraq* and Viet Nam*.

10. The representative of Cuba made the following oral amendments to the draft resolution:

(a) In the Spanish text of the sixth preambular paragraph, the words "al ser humano" should be replaced by "la persona humana" and the word "humanos" should be added after the word "derechos";

(b) In operative paragraph 5, the words "that the policies being imposed to ensure debt payment by developing countries have and how they hinder the effective enjoyment of all human rights by the people of those countries" should be replaced by the following text: "of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights";

(c) Delete operative paragraph 6, which read:

"Requests the Secretary-General, in accordance with the commitment derived from part I, paragraph 12, of the Vienna Declaration and Programme of Action, to request the Governments of creditor countries to provide detailed information on the actions being taken to alleviate the debt burden of developing countries, and to submit to the Commission on Human Rights at its fifty-first session a compilation of the information requested";

(d) In operative paragraph 7, the words "as well as" after the word "Government" should be deleted;

(e) In the Spanish text of the same paragraph, the words "asi como organizaciones intergubernamentales y no gubernamentales" should be inserted after the words "organismos especializados". The (incomplete) French text of this paragraph would be amended accordingly.

11. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution.

12. The draft resolution was adopted by 31 votes to 12, with 8 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Gabon, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho,

Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Venezuela.

Against: Australia, Austria, Canada, Finland, Germany, Hungary, Italy, Japan, Netherlands, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bulgaria, Cyprus, France, Peru, Republic of Korea, Romania, Russian Federation, Uruguay.

13. Statements in explanation of vote after the vote were made by the representatives of Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

14. For the text as adopted, see chapter II, section A, resolution 1994/11.

15. At the 41st meeting, the representative of Portugal introduced draft resolution E/CN.4/1994/L.18, sponsored by Australia, Austria, Belgium*, Bulgaria, Chile, Costa Rica, the Czech Republic, Denmark*, Finland, Germany, Hungary, Latvia*, Madagascar, Peru, Poland, Portugal*, the Russian Federation, Slovakia* and the United Kingdom of Great Britain and Northern Ireland. The sponsors were subsequently joined by France, Greece*, Hungary, the Netherlands, Norway*, the Philippines*, Romania, Senegal*, Spain*, Sweden*, Switzerland*, Tunisia and Ukraine*.

16. The representative of Portugal made the following oral amendment to the draft resolution: in operative paragraph 12, the words "Takes note with interest" should be replaced by the word "Endorses".

17. The representative of the Islamic Republic of Iran proposed the following amendments to the draft resolution:

(a) In the English text of the ninth preambular paragraph, the words "and nations" should be inserted after the words "the needs of individuals";

(b) In the English text of operative paragraph 2, the words "strictly within the framework" should be inserted after the words "the relevant issues".

18. The representatives of Brazil, China, India, Nigeria, Portugal and the Syrian Arab Republic made statements in connection with the draft resolution and the proposed amendments.

19. The Commission decided to postpone the debate on the draft resolution.

20. At its 42nd meeting, the Commission resumed consideration of draft resolution E/CN.4/1994/L.18.

21. The representative of Portugal made the following oral amendments to the draft resolution:

(a) In the English text of the ninth preambular paragraph, the word "individuals" should be replaced by the word "people";

(b) In the English text of operative paragraph 2, the words "within the framework" should be inserted after the words "the relevant issues";

(c) In operative paragraph 7, the words "recognizes the importance of using indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action" should become new paragraph 7;

(d) In the same operative paragraph 7, the first part of the paragraph ending with the words "January 1993" should become new paragraph 8;

(e) The subsequent paragraphs should be renumbered accordingly;

(f) In new operative paragraph 8, the words "with interest" after the word "Notes" should be deleted;

(g) In new operative paragraph 9, the words "as well as representatives of States" should be inserted after the words "non-governmental organizations";

(h) In the same operative paragraph 9, the words "as well as the nature of States parties' obligations" should be deleted.

22. The representative of Malaysia proposed that the following words should be deleted from the third preambular paragraph: "and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights".

23. Statements in connection with the draft resolution as revised were made by the representatives of Malaysia and Portugal.

24. The Commission decided to postpone the debate on the draft resolution.

25. At its 46th meeting, the Commission resumed consideration of draft resolution E/CN.4/1994/L.18.

26. Statements in connection with the draft resolution and the proposed amendments were made by the representatives of Brazil, Malaysia and Portugal.

27. A statement in explanation of vote before the vote was made by the representative of the United States of America.

28. At the request of the representative of the United States of America, a roll-call vote was taken on the amendment proposed by the representative of Malaysia.

29. The amendment was rejected by 39 votes to 1, with 13 abstentions. The voting was as follows:

In favour: Malaysia.

Against: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, Italy, Japan, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Peru, Poland, Republic of Korea, Romania, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: China, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia.

30. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft resolution.

31. At the request of the representative of Malaysia, a roll-call vote was taken on the draft resolution.

32. The draft resolution was adopted by 52 votes to none, with 1 abstention. The voting was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania,

Mauritius, Mexico, Nigeria, Pakistan, Peru, Poland, Netherlands, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Malaysia.

33. At the 57th meeting, a statement in explanation of vote after the vote was made by the representative of Japan.

34. For the text as adopted, see chapter II, section A, resolution 1994/20.

35. In view of the adoption of resolution 1994/20 (see paras. 15-34), the Commission took no action on draft decision 9, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

36. At the 41st meeting, the representative of France introduced draft resolution E/CN.4/1994/L.20, sponsored by Argentina*, Australia, Austria, Bangladesh, Belgium*, Brazil, Burundi, Chile, Colombia, Costa Rica, Cyprus, the Czech Republic, Denmark*, France, Germany, Greece*, Guatemala*, Hungary, Italy, Kenya, Lesotho, Madagascar*, Mauritius, Mexico, Peru, the Philippines*, Poland, Portugal*, Romania, the Russian Federation, Rwanda*, Senegal*, Slovakia*, Spain*, Switzerland* and Venezuela. The sponsors were subsequently joined by Cameroon, Côte d'Ivoire, Ireland*, the Netherlands, Nigeria, Tunisia, Uruguay and Zimbabwe*.

37. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft resolution.

38. The draft resolution was adopted without a vote.

39. At the 57th meeting, a statement in explanation of his delegation's position was made by the representative of the United States of America.

40. For the text as adopted, see chapter II, section A, resolution 1994/12.

41. In view of the adoption of resolution 1994/12 (see paras. 36-40), the Commission took no action on draft resolution III recommended by the

Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1994/2-E/CN.4/1993/45, chap. I, sect. A).

42. At the 41st meeting, the representative of the United States of America introduced draft resolution E/CN.4/1994/L.21, sponsored by the Czech Republic*, Greece*, Japan, Romania, the Russian Federation, Slovakia*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The sponsors were subsequently joined by Argentina*, Costa Rica, Cyprus, Ecuador, Germany, the Philippines* and Poland.

43. A statement in explanation of his delegation's position was made by the representative of Cuba.

44. The draft resolution was adopted without a vote.

45. For the text as adopted, see chapter II, section A, resolution 1994/13.

46. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1994/L.22, sponsored by Australia, Austria, Costa Rica, Denmark*, Ireland*, Norway* and Peru. The sponsors were subsequently joined by Argentina*, France, Germany, Hungary, the Netherlands, Portugal*, Slovakia*, Tunisia, Uruguay and Venezuela.

47. The representative of Cuba proposed that the draft resolution should be amended in the first preambular paragraph by inserting the word "interdependent" after "indivisible".

48. The representative of the Syrian Arab Republic proposed that the draft resolution should be amended in the ninth preambular paragraph by replacing the words "can contribute" by "are contributing".

49. The representative of the United Kingdom of Great Britain and Northern Ireland proposed that the draft resolution should be amended in the first preambular paragraph by inserting the word "universal" before "indivisible".

50. The representative of Malaysia proposed that the draft resolution should be amended as follows:

(a) In the ninth preambular paragraph, the words "can contribute" should be replaced by "could contribute";

(b) In the first preambular paragraph, the words "and that the promotion and protection of one category of rights does not exempt or excuse States from the duty of promoting and protecting other rights" should be deleted.

51. Statements in connection with the draft resolution and the proposed amendments were made by the representatives of Australia and Malaysia.

52. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.22.

53. At the 46th meeting, the Commission resumed consideration of draft resolution E/CN.4/1994/L.22.

54. Statements in connection with the draft resolution and the proposed amendments were made by the representatives of Australia and Malaysia.

55. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.22.

56. At its 57th meeting, the Commission resumed consideration of draft resolution E/CN.4/1994/L.22.

57. The representative of Australia made the following oral amendments to the draft resolution:

(a) In the first preambular paragraph, the word "universal" should be inserted before "indivisible" and the word "interdependent" inserted after "indivisible";

(b) In the ninth preambular paragraph, the words "and that violations of their rights are therefore serious obstacles to development" should be deleted;

(c) In operative paragraph 1, the words "trade union rights freely and in full" should be replaced by "right to organize and to form and join trade unions for the protection of their interests".

58. The draft resolution, as orally revised, was adopted without a vote.

59. For the text as adopted, see chapter II, section A, resolution 1994/63.

60. At the 41st meeting, on 25 February 1994, the Commission considered draft resolution IV, recommended by the Sub-Commission (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. A).

61. The representative of Brazil proposed that the draft resolution should be amended by deleting operative paragraph 5 from the text recommended for adoption by the Economic and Social Council.

62. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft resolution.

63. The draft resolution, as amended, was adopted without a vote.

64. For the text as adopted, see chapter II, section A, resolution 1994/14.

65. At the same meeting, the Commission considered draft decision 7 recommended by the Sub-Commission (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

66. The representative of India proposed that the draft decision should be amended in paragraph (d) by inserting the words "with the consent of the States concerned" after "on-site visits".

67. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft decision.

68. The draft decision, as amended, was adopted without a vote.

69. For the text as adopted, see chapter II, section B, decision 1994/102.